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January 30, 2020

BY ECF

Hon. Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: Miguel Angel Suarez, et. al. v. Brasserie Felix, Inc., et al.
Case No. 19 Civ. 7210 (KPF)(RWL)

Dear Judge Failla,

We are counsel to the plaintiffs in the above-referenced FLSA matter for unpaid wages, minimum wages, and overtime compensation. We provide this status report and request for a conference to address a recent development in the case.

The parties were scheduled to meet with the court-assigned mediator on Monday February 3, 2020. The meeting was canceled by defendants because counsel indicated that the corporate defendant had sought protection pursuant to Chapter 11 of the Bankruptcy Code.

There appears to be disagreement between the defendants' bankruptcy counsel and our office as to whether an automatic stay will apply to the non-debtor defendants. This pending action appears to be the only impetus for filing the Chapter 11 proceeding by the corporate defendant.

At the court's convenience we respectfully request a briefing schedule and conference to resolve whether the case may be severed and allowed to proceed against the non-debtor defendants.

We thank the court for its consideration of this matter.

Respectfully submitted,



Peter H. Cooper

cc: All counsel of record (Via ECF)